



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	129	Child Protection Investigations	12/13/2011
Subchapter:	8	Expunctions	
Section	3	When the Department retains rather than expunges a record (N.J.A.C. 10:129-8.3)	

§10:129-8.3 When the Department retains rather than expunges a record

(a) The Department employee shall retain a record which contains a report unfounded on or after April 7, 1997, when one or more of the following circumstances exist:

1. The investigation of the report results in more than one finding, including both an unfounded and a substantiated, established, or not established finding;
2. The Division provided services to the alleged child victim, a member of his or her family or household, or the alleged perpetrator, and three years have not passed since a service case was closed or provision of services has been concluded;
3. The State Central Registry receives a subsequent report regarding the alleged child victim, a member of his or her family or household, or the alleged perpetrator, during the three years prior to eligibility for expunction, and the subsequent report is substantiated, established, or not established;

4. The outcome of a child protection investigation, a criminal investigation or a court proceeding involving the alleged child victim, a member of his or her family or household or the alleged perpetrator is pending;

5. A court of competent jurisdiction orders the Department to retain the record;

6. The Commissioner of the Department of Children and Families or designee requests that the Department retain the record;

7. The State Central Registry receives a subsequent report that the Department is investigating. If the subsequent report is unfounded, then the record is evaluated for expunction three years after the investigation is completed;

8. If an allegation is pending or under investigation at the time of expunction review, the record shall be retained for three years after the case is closed, if that allegation is likewise unfounded, or three years from when the service case is closed; or

9. If a service request is pending or under investigation at the time of expunction review, the record is retained until three years after the case is closed, if that allegation is likewise unfounded, or three years from when the service case is closed.

(b) The Division shall retain the record of any case where the Division provided out-of-home placement-related services, including, but not limited to, Medicaid, board payments, clothing